



1764
JH

PATENT

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 15-Oct-2004

Katie Hales
Katie Hales

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/903,983

Attorney Docket: DP-305003

Filing Date: 07/12/2001

Group Art Unit: 1764

Applicant: Stephen J. Myers et al.

Examiner: Tran, Hien thi

Title: CATALYTIC CONVERTER WITH INTEGRAL OXYGEN SENSOR

MS Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PROVISIONAL ELECTION

Sir:

This is in response to the Office Action mailed September 16, 2004, imposing a Restriction Requirement between:

Group I, claims 1-15, directed to an exhaust system; and

Group II, claims 16-20, directed to a method for positioning an oxygen sensor within an exhaust system.

In response to the Restriction Requirement, Applicant provisionally elects to prosecute Group I, claims 1-15. Nevertheless, Applicants respectfully traverse the requirement.

The Group I claims call for a bushing element and an oxygen sensor positioned therein. Group II claims are drawn to method that includes providing a bushing element and disposing the oxygen sensor therein. Even a causal read of these claims reveals that they are merely

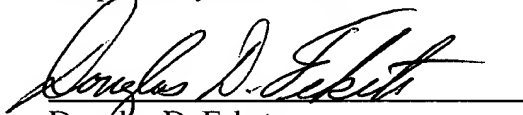
different aspects of but a single invention. Moreover, prior art showing a bushing element within an exhaust system, or the method that provides the bushing element, would be material to, and should properly be considered in examining all Groups, regardless of where such art is found within the classification scheme of the Patent Office.

Efficiency, both on the part of Applicants, and also on the part of the Patent Office, mandates that, where the claims have common distinctive features such as here, all claims should be examined together. The Restriction Requirement unduly burdens Applicants by requiring them to file and prosecute multiple applications, and pay fees and maintain multiple patents, to obtain the patent protection to which they are entitled.

Therefore, it is respectfully requested that the Restriction Requirement be withdrawn, and that all claims of Group I and Group II be considered in the present application.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Douglas D. Fekete", is written over a horizontal line.

Douglas D. Fekete
Reg. No. 29,065
Delphi Technologies, Inc.
Legal Staff – M/C 480-410-202
P.O. Box 5052
Troy, Michigan 48007-5052